IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
Criminal Application no. 46 of 2007
in
Criminal appeal no. 486 of 2006

Shri Ramratan Shrinivas Soni .....Applicant
vs.
Central Bureau of Investigation
Mumbai & anr. ....Respondents

Mr. M.K. Kocharekar for the Applicant
Mr. P. D. Gharat for Respondent no. 1

Coram:- J.H. BHATIA, J
18th April, 2007.

P.C.

Heard Mr. Kocharekar learned counsel for the applicant and Mr. Gharat learned Counsel for the Respondent no. 1 CBI.

2. The applicant, who is the original accused no. 3, was convicted for the offence punishable under section 120 (B) read with section 255, 256,258,259 and 420 and was sentenced to undergo R.I. For 10 years and to pay fine of Rs. 50,000/-. He was also convicted for the offence punishable under section 256 of IPC and was sentenced to undergo R.I. For 7 years and fine. He has preferred an appeal challenging the conviction and sentence. The appeal is admitted. By this application he seeks to be released on bail pending hearing of the case.

3. Mr. Kocharekar, Learned Counsel for the applicant contended

that no material except one rubber stamp, which could be allegedly used for cancellation of Government stamps, was recovered from the present applicant. He points out that as per the evidence on record the present applicant used to visit office of accused no. 1 A.K. Telgi to hand over some bundles of stamps because said A.K. Telgi was Licensed Stamp Vendor. According to him there is no material to establish that the present applicant had committed any offence alleged against him. He also contended that the accused was granted bail till the trial and now for last about four and half years he is in jail. Therefore, he seeks bail. Mr. Gharat, learned counsel for CBI, contended that A.K. Telgi was involved in counterfeiting and using the counterfeit Government stamps on large scale and several cases are registered against him. The present applicant, who was only LIC agent and exporter of vegetables, was not expected to be in possession of any such rubber stamps nor he was expected to go to the office of A.K. Telgi for handing over bundles of stamps to him. He pointed out that as per the evidence, whenever the present applicant went to meet A.K. Telgi, all other persons present there were asked to go out. According to him there is strong evidence to show that the present applicant was one of the conspirator in commission of this crime and according to him in another case A.K. Telgi has made a

confessional statement implicating the present applicant and their relationship goes back to 1992 when the present applicant and Telgi both were together in jail.

4. After giving anxious thought to the whole matter and rival arguments and the gravity of the offence, I find that it will not be in the interest of justice to grant bail to the present applicant pending decision of appeal. However, as the applicant is in jail for last more than 4 years, it will be desirable to take up the appeal itself for final hearing after the Paper Book is ready.

5. Application stands rejected. After preparation of Paper Book, the appeal shall be listed for final hearing. The observations made in this order are only for the purpose of deciding this application and shall not come in the way at the time of final hearing.

(J.H. Bhatia, J)